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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Request of Limited Modification of
LATA Boundaries to Provide ELCS
Between the Wallisville
exchange and the Dayton and
Liberty exchanges.

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96-159

DOCKET FILE COPY ORIGINAL

PETITION

I. INTRODUCTION

Southwestern Bell Telephone Company (SWBT), pursuant to Section 3(25) of the Communications Act of 1934, as amended,¹ and in accordance with the guidelines established in the Commission's Memorandum Opinion and Order (MO&O) released July 15, 1997 in CC Docket No. 96-159,² hereby makes application for a limited modification of LATA boundaries to provide ELCS between the Wallisville exchange and the Dayton and Liberty exchanges.

II. SUPPORTING INFORMATION

As prescribed in paragraph 23 of the aforementioned Commission MO&O, SWBT provides the following information in support of its application:

1. Type of service: Flat-rate, non-optional Expanded Local Calling (ELC);

¹ The Communications Act of 1934, as amended, 47 U.S.C. *et al.*

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² Memorandum Opinion and Order, Petitions for Limited Modification of LATA Boundaries to Provide Expanded Local Calling Service at Various Locations, CC Docket No. 96-159, released July 15, 1997. By way of this MO&O the Commission adopted a format for and criteria under which such petitions would be granted. The format and criteria are detailed in paragraphs 23 and 24.

2. Direction of service: Two-way;
3. Exchanges involved: Wallisville in the Beaumont, TX LATA, Dayton in the Houston, TX LATA and Liberty in the Houston, TX LATA;
4. Name of carriers: Wallisville of Texas ALLTEL, Dayton of Southwestern Bell Telephone and Liberty of Southwestern Bell Telephone;
5. State commission approval(s): See Attachment A;
6. Number of access lines or customers: Wallisville has 349 access lines, Dayton has 6,969 access lines and Liberty has 6,348 access lines;
7. Usage data: Usage data is not available to Southwestern Bell Telephone. SWBT does not currently carry traffic across LATA boundaries;
8. Poll results: Percentage of Wallisville customers returning ballots who voted in favor of ELC to Dayton: 95.77. Percentage of Wallisville customers returning ballots who voted in favor of ELC to Liberty: 96.30. Where SWBT is the petitioning exchange, there is no proposed rate increase. Where SWBT is not the petitioning exchange, SWBT does not have information as to any proposed rate increase.
9. Community of interest statement: The Public Utility Commission of Texas includes a Community of Interest Finding in their Order(s). See Attachment A.
10. Map: See Attachment B; and,
11. Other pertinent information: None

III. *PRIMA FACIE* SHOWING

SWBT believes that it has made a *prima facie* case supporting grant of the proposed modification because the instant ELCS petition (1) has been approved by the state commission; (2) proposes only traditional local service (i.e., flat-rate, non-optional ELCS); (3) indicates that the state commission found a sufficient community of interest to warrant such service; (4) documents this community of interest through such evidence as poll results and descriptions of the communities involved; and, (5) involves a limited number of customers or

access lines. These requirements for a *prima facie* case are detailed in the aforementioned Commission MO&O paragraph 24.

IV. CONCLUSION

Wherefore, SWBT request that the Commission approve its application for a limited modification of LATA boundaries to provide ELCS between the Wallisville exchange and the Dayton and Liberty exchanges.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

By Marjorie Morris Weisman
Robert M. Lynch
Durward D. Dupre
Mary W. Marks
Marjorie M. Weisman

Attorneys for
Southwestern Bell Telephone Company

One Bell Center, Room 3520
St. Louis, Missouri 63101
(314) 235-2507

AUGUST 29, 1997

DOCKET NO. 16651

PETITION FOR EXPANDED LOCAL § PUBLIC UTILITY COMMISSION
CALLING SERVICE FROM THE §
WALLISVILLE EXCHANGE TO THE § OF TEXAS
EXCHANGES OF DAYTON AND LIBERTY §

INTERIM ORDER

Findings of Fact

1. On June 28, 1996, subscribers of the Wallisville Exchange filed a petition for Expanded Local Calling Service (ELCS) requesting non-optional, two-way, flat rate calling to the exchanges of Dayton and Liberty.
2. The processes for petitioning and balloting included notice that the service would be for a flat monthly fee of up to \$3.50 per residential line and \$7.00 per business line on a non-optional basis.
3. The Wallisville Exchange is in the Beaumont Local Access and Transport Area (LATA) and is served by Texas Alltel, Inc. The petitioned exchanges of Dayton and Liberty are in the Houston LATA and are served by Southwestern Bell Telephone Company (SWBT).
4. An affirmative vote of 95.77 percent of Wallisville Exchange subscribers responding to the ballot favored expanding the local calling scope to include the Dayton Exchange. An affirmative vote of 96.30 percent of Wallisville Exchange subscribers responding to the ballot favored expanding the local calling scope to include the Liberty Exchange.
5. On July 15, 1997, the Federal Communications Commission (FCC) issued an order, *In the Matter of Petitions for Limited Modification of LATA Boundaries to Provide Expanded Local Calling Service (ELCS) at Various Locations*, CC Docket No. 96-159, FCC 97-244, (rel. July 15, 1997) (*Memorandum Opinion and Order*), providing a procedure for requesting a limited LATA boundary modification.

6. The petitioned exchanges of Dayton and Liberty are within the 22-mile distance requirement for community of interest to be presumed to exist between the petitioning and petitioned exchanges pursuant to 16 T.A.C. §23.49(c)(3)(B)(i).
7. In addition to satisfying the presumptive geographic community of interest test in the Texas Public Utility Commission's rules, a statement attesting to the existence of a community of interest between the petitioning and petitioned exchanges was filed on August 9, 1996.
8. The Dayton Exchange provides doctors, a funeral home and home health care for Wallisville Exchange subscribers.
9. The Liberty Exchange provides doctors, shopping, hospital, eye clinic, transportation provided by Liberty Chamber of Commerce, funeral home and nursing care for Wallisville Exchange subscribers.
10. Based on the statement referenced in Finding of Fact No. 7, there is a community of interest between the petitioning Wallisville Exchange and the petitioned exchanges of Dayton and Liberty.

Ordering Paragraphs

In accordance with the findings of fact, the Commission issues the following Interim Order:

1. This proceeding is unabated.
2. Petitioners from the Wallisville Exchange have shown a community of interest with the Dayton and Liberty exchanges.

DOCKET NO. 16651

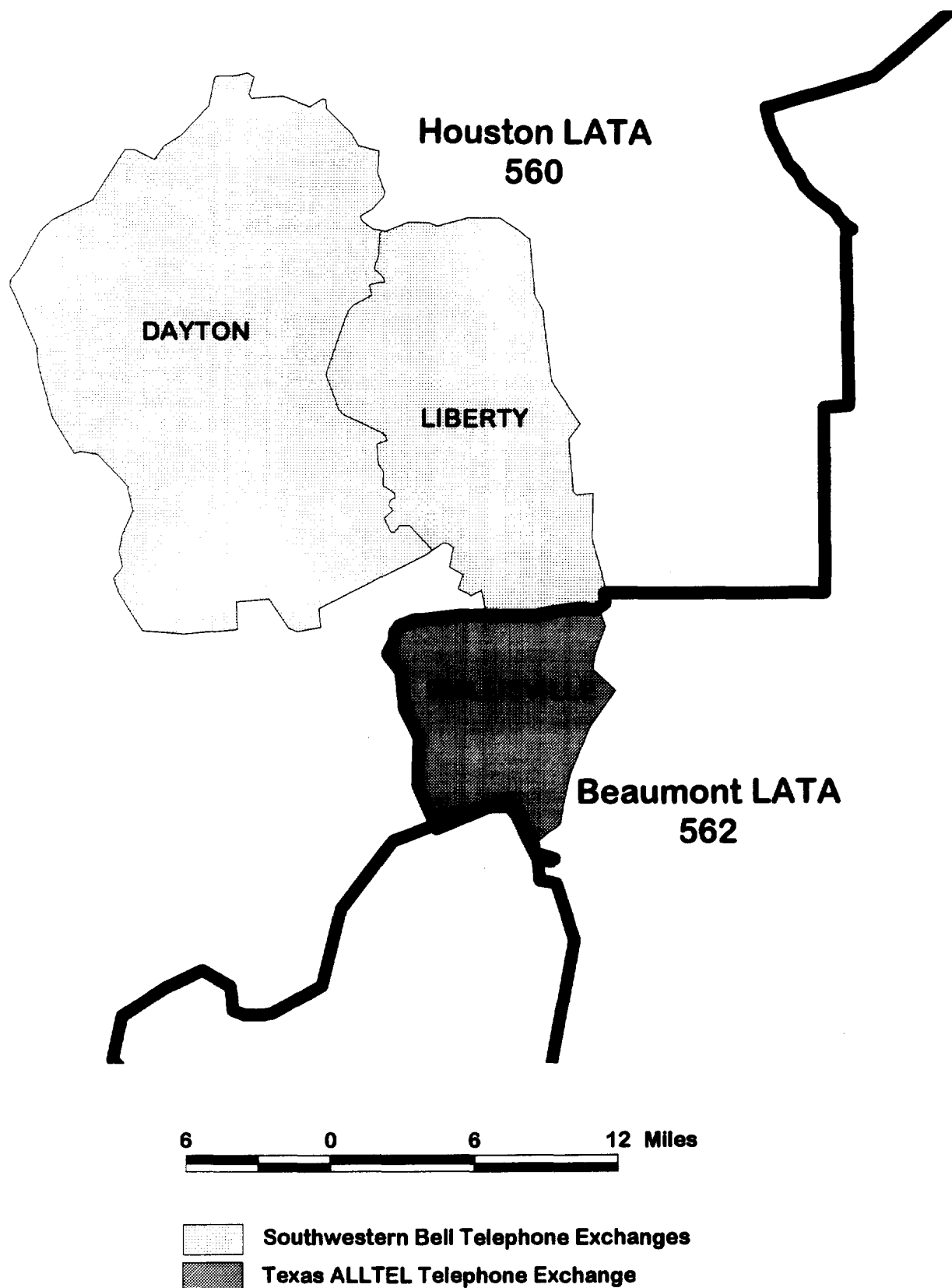
INTERIM ORDER

3. Within thirty (30) days of the effective date of this Interim Order, SWBT is directed to file a request for a limited modification of the LATA boundary in accordance with the procedures outlined in the FCC order, *In the Matter of Petitions for Limited Modification of LATA Boundaries to Provide Expanded Local Calling Service (ELCS) at Various Locations*, CC Docket No. 96-159, FCC 97-244, (rel. July 15, 1997) (*Memorandum Opinion and Order*), ¶¶ 23 & 24.
4. Within ten (10) days of the receipt of an Order or Notice from the FCC relating to this petition, SWBT is directed to file such Order or Notice in this project.



ISSUED BY THE OFFICE OF POLICY DEVELOPMENT
ON BEHALF OF THE PUBLIC UTILITY COMMISSION OF TEXAS
ON THE 4th DAY OF AUGUST, 1997

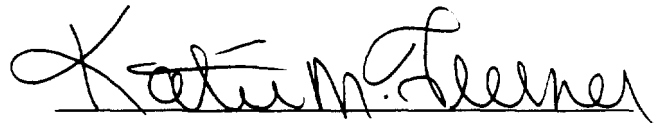
Wallisville To Dayton and Liberty



This document was produced by the Texas Exchange Carrier Relations organization of Southwestern Bell Telephone Company on 8/12/97, based on the best information it could obtain from other sources at that time. In addition, it is the Telephone Company's understanding that the data underlying the creation of this document may be subject to change. Southwestern Bell makes no representation as to the accuracy of the information provided to it and used to create this document.

CERTIFICATE OF SERVICE

I, Katie M. Turner, hereby certify that the foregoing, "PETITION OF SOUTHWESTERN BELL TELEPHONE COMPANY" in Docket No. 96-159 has been filed this 29th day of August, 1997 to the Parties of Record.

A handwritten signature in cursive script, reading "Katie M. Turner", written over a horizontal line.

Katie M. Turner

August 29, 1997

Texas Public Utility Commission
1701 North Congress
Austin, Texas 78701